

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

FRED PORTIS and BEVERLY PORTIS,)	
)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 2:06-CV-926-MEF
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY,)	
)	
Defendant)	

PLAINTIFF'S RESPONSE TO SHOW CAUSE

COMES NOW counsel for Plaintiffs and offers his sincerest apology for failing to timely comply with the Uniform Scheduling Order. Counsel for the Plaintiffs offers the following to show cause why the Court should not sanction him pursuant to FRCP 16(f):

- 1) In the past week and a half, the Plaintiff Fred Portis suffered a stroke and subsequently passed away.
- 2) Before this unfortunate occurrence, the parties were very close to reaching a settlement in this matter.
- 3) In the midst of all of this, Counsel for the Plaintiffs somehow overlooked a deadline from the Uniform Scheduling Order.
- 4) Counsel offers it's sincerest apologies and would beg this Court not to sanction him pursuant to FRCP 16(f).

RESPECTFULLY SUBMITTED this the 13th day of August, 2007.

/s/ Jacob Fuller

Attorney for Plaintiffs Fred and Beverly
Portis

LAW OFFICE OF J. DOYLE FULLER
2851 Zelda Road
Montgomery, Alabama 36106

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing by placing a copy of same in the United States Mail, first-class postage prepaid, to

MICHEAL S. JACKSON [JACKM8173]
Attorney for Defendant State Farm Fire and
Casualty Company
BEERS, ANDERSON, JACKSON,
PATTY, VAN HEEST & FAWAL, P.C.
Post Office Box 1988
Montgomery, Alabama 36102-1988

on this the 13th day of August, 2007.

/s/ Jacob A. Fuller
JACOB A. FULLER